

### REMARKS

This responds to the Final Office Action mailed on August 10, 2005.

Claims 38 and 46 are amended; claims 1-26, 30, 36, 37, 41, 47, and 48 are canceled; as a result, claims 27-29, 31-35, 38-40, 42-45 and 46 are now pending in this application.

#### §103 Rejection of the Claims

Claims 27-29, 31-35, 38-40 and 42-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlin et al. (U.S. 6,119,152; hereinafter Carlin) and “Domain Names – Concepts and Facilities” (hereinafter RFC 1034).

Applicants respectfully submit that claims 27-29, 31-35, 38-40 and 42-46 should not be rejected under 35 U.S.C. § 103 for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 27 includes the following limitations:

*a first sales interface at a first network address...*

*a second sales interface at a second network address...*

*a sales server at a third network address that operates the first and second sales interfaces...*

The Final Office Action contends that the above limitations are suggested by the following disclosure in RFC 1034:

A domain is identified by a domain name, and consists of that part of the domain name space that is at or below the domain name which specifies the domain. A domain is a subdomain of another domain if it is contained within that domain. This relationship can be tested by seeing if the subdomain's name ends with the containing domain's name. For example (*reading from right to left*), A.B.C.D is a subdomain of B.C.D, C.D. D, and “ ” (*italicized text added*).

RFC 1034, page 8.

The above quote from RFC describes a domain and a subdomain. A domain is identified by a name and includes all parts of the domain name space at or below the name. Further, a domain is considered a subdomain of another domain that contains the domain. The above quote does not describe a server, a first sales interface, a second sales interface, or their respective network addresses.

Claim 27 requires a first sales interface at a first network address, a second sales interface at a second network address, and a sales server at a third network address. Moreover claim 1 further requires the sales server at the third network address to operate the first and second sales interfaces.

In contrast the above quote from RFC 1034 describes a domain and a subdomain and does not describe a server, a first sales interface, a second sales interface, their respective network addresses, much less the sales server at the third network address to operate the first interface, at the first network address, and the second interface, at the second network address.

The above quote from RFC 1034 merely describes a domain and a subdomain. Indeed, relying on the above quote from RFC 1034 the Final Office Action states:

Each service provider in Carlin's invention can thus be a subdomain of the domain operated by the multi-provider online sales system. If, for example, the primary domain was multiprovider.com, a plurality of service providers could be mapped to provider1.multi-provider.com, provider2.multi-provider.com, and son on. The service providers' interfaces can then be operated by a single server while creating the impression that they are operated by unique domains. Sub domains, however, need not necessarily be operated by a single server. After all, yahoo.com and google.com are both subdomains of the c.com domain, but are operated by different servers. Accordingly each service provider can have its own subdomain that is operated by a unique server....

Final Office Action, page 3.

Applicants respectfully submit that the above statements go beyond the quote from RFC 1034, as provided by the Final Office Action. More importantly, Applicants respectfully submit that the above quote from RFC 1034 does not teach or suggest a first sales interface at a first network address, a second sales interface at a second network address, or a sales server at a third network address, much less the sales server at the third network address to operate the first and second sales interfaces. Accordingly, it is submitted, that Carlin, RFC 1034, and a combination thereof fail to teach or suggest the elements of claim 27. Therefore, claim 27 and dependent claims, 28-29 and 31-34 are patentable and should be allowed.

The above remarks are also applicable to a consideration of independent claims 35, 38 and 46.

In light of the above, Applicants respectfully submit that the rejection under 35 U.S.C. § 103 has been overcome, and withdrawal of this rejection therefore respectfully requested.

The Final Office Action took official notice of the teachings of claims 31, 32, 33, 42, 43 and 44. Applicants respectfully traverse this official notice and request the Examiner to provide references that describe the elements of the respective claims. Absent a reference, it appears that the Examiner is using personal knowledge, so the Examiner is respectfully requested to submit an affidavit as required by 37 C.F.R. § 1.104(d)(2).

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MATTHEW F. ACKLEY ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
408-278-4042

Date 11/4/2005

By Mark R. Vatuone  
Mark R. Vatuone  
Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4 day of November, 2005.

Peter Rebuffoni

Name

Peter Rebuffoni  
Signature